



UNITED STATES PATENT AND TRADEMARK OFFICE

51
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,184	11/09/2001	Yuji Furuta	P/3281-10	6062
2352	7590	10/05/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			REKSTAD, ERICK J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,184

Applicant(s)

FURUTA, YUJI

Examiner

Erick Rekstad

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 1, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is a first action for application no. 10/053,184 filed on November 09, 2001 in which claims 1-13 are presented for examination.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,748,020 to Eifrig et al.

[claims 1 and 9]

As shown in Figure 3a, Eifrig teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (306) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (310-314) which store said a plurality of first data to be processed;

secondary storing means (340-344) which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed;

primary extracting and partially replacing means (304, 320, and 302) which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (340, 342, 344) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block (Col 9 Line 15-3);

and combining means (336) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 7 Line 63-Col 8 Line 50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,081,295 to Adolph et al.

[claims 1 and 9]

As shown in Figure 1, Adolph teaches an MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data, comprising:

dividing means (DMX) which divide said inputted MPEG data into a first data block having a plurality of first data to be processed and a second data block having a plurality of second data to be not processed;

primary storing means (BUPAR) which store said a plurality of first data to be processed;

primary extracting and partially replacing means which extract said a plurality of first data to be processed from said primary storing means in accordance with an order of said inputted MPEG data and which partially replace a predetermined data portion of the extracted first data; said primary extracting and partially replacing means producing a primary data block;

secondary extracting means (ADP or SDP) which extract said a plurality of second data to be not processed from said secondary storing means in accordance with an order of said inputted MPEG data to produce a secondary data block;

and combining means (MX) which combine said primary data block and said secondary data block with each other in an original order to produce said outputted MPEG data (Col 1 Lines 10-25, Col 2 Line 47-Col 3 Line 62).

Adolph does not specifically teach secondary storing means which store the numbers of said first data stored in said primary storing means or said a plurality of second data to be not processed. Adolph does teach the buffer (BUPAR) for use in the video processor portion of the circuit, as shown in Figure 1. It would have been obvious to one of ordinary skill in the art at the time of the invention that the audio processor would contain a buffer as Adolph teaches the use of a buffer in a processor used to process a part of the mpeg stream.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eifrig.
[claim 10]

Eifrig teaches the method of claim 9 as shown above. Eifrig teaches the use of an audio delay. Eifrig further teaches the remux does not need to contain video (Col 27 Lines 58-65). Eifrig does not specifically teach when the data from the audio delay (340-344) is written. It would have been obvious to one of ordinary skill in the art at the time of the invention that the audio delay could delay for a certain time period independent of the video (Official Notice).

Allowable Subject Matter

Claims 2-8 and 11-13 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 2-8 and 11-13 include novel and unobvious features in that the examiner was unable to find in several prior art searches. US Patent 6,081,295 to Adolph et al. teaches a generic MPEG data processing circuit which processes inputted MPEG data to produce outputted MPEG data. Adolph does not teach the specifics of claim 2. Claim 2 requires a V-ES detecting section, a barrel shifter, a VLD, a data replacing section, VLE, a bit packer, a data combining section, a control section, and a memory control section. These features embodied in one circuit as described in the claim teach over the prior art. These features taken with the others in the claims define over the prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US Patent 5,737,479 to Fujinami.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erick Rekstad 
Examiner
AU 2613
(703) 305-5543
erick.rekstad@uspto.gov


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600